

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

MARK PANCARI,
CATHLEEN PANCARI,

Debtors,

Bankruptcy No.: 19-22280-CMB
Chapter 13
Document No.:

MARK PANCARI,
CATHLEEN PANCARI,
Movants,
vs

CREDITO REAL USA FINANCE LLC,
PRESTIGE AUTO MALL, and
RONDA WINNECOUR, Trustee,

Respondents.

EMERGENCY MOTION TO COMPEL ENFORCEMENT
OF COURT ORDER

Attorney for Movants:
Rice & Associates Law Firm

/s/ David A Rice, Esq.
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PA ID#: 50329

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AND NOW come Mark and Cathleen Pancari by and through their attorneys, Rice & Associates Law Firm and David A Rice, Esquire, and move the Court to enforce a Court Order, and in support thereof, avers as follows:

1. This Motion is pursuant to a case filed under Title 11, United States Code.

2. Mark and Cathleen Pancari, hereinafter referred to as “Movants” filed a voluntary petition in bankruptcy on June 6, 2019.
3. Movants filed a Motion to Approve Financing for a vehicle. A Court Order was issued on August 17, 2020 at docket number 81 granting the Motion. The Order requires that all monthly payments on the vehicle be made through the Chapter 13 Plan.
4. Movants supplied the Court Order to Respondent Prestige Auto Mall. Movants purchased a vehicle. Respondent Prestige Auto Mall assigned financing of the vehicle to Respondent Credito Real USA Finance.
5. Movants took possession of the vehicle. Movants filed a Report of Financing on September 9, 2020 at docket number 85. Movants filed an Amended Plan incorporating monthly payments for the vehicle on September 21, 2020 at docket number 98.
6. Respondent Prestige Auto Mall has since contacted Movants and demanded return of the vehicle because Respondent Credito Real USA Finance has refused to tender payment to the dealership. The reason given is that Respondent Credito Real USA Finance will not accept payments through the Plan as required by the August 17, 2020 Court Order.

THEREFORE, Movants respectfully request that this Honorable Court compel Respondent Credito Real USA Finance to accept payments through the Plan as required by the August 17, 2020 Court Order.

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